

**Introduced by Senator Negrete McLeod
(Coauthors: Senators Correa, DeSaulnier, and Oropeza)**

February 5, 2010

An act to amend Sections 1267, 1268, 1269, 1271, 1271.5, and 1272 of the Unemployment Insurance Code, relating to unemployment insurance, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 968, as introduced, Negrete McLeod. Unemployment insurance: retraining benefits.

Existing law provides for unemployment compensation benefits to eligible persons who are unemployed through no fault of their own. Existing law, until January 1, 2015, provides for retraining benefits to eligible individuals pursuant to the federal Trade Act of 1974, as amended by the federal Trade Act of 2002. Existing law authorizes an unemployed individual who files a claim for unemployment compensation benefits or extended duration benefits, or an application for federal-state extended benefits or any federally funded unemployment compensation benefits, to apply to the Employment Development Department for benefits during a period of training or retraining.

This bill would, instead, specify that an unemployed individual shall be eligible for those training and retraining benefits, regardless of whether the individual applies to the department for a determination of potential eligibility.

Existing law requires that a determination of potential eligibility for specified training and retraining benefits be issued to an unemployed individual if the Director of Employment Development finds that specified conditions apply.

This bill would remove the requirement that the director make a specified finding for a determination of eligibility for those training and retraining benefits to be issued to an unemployed individual if those conditions apply.

Existing law specifies that any unemployed individual receiving certain unemployment compensation benefits, who applies for a determination of potential eligibility for those benefits no later than the 16th week of his or her receiving those benefits, and is determined to be eligible for those benefits, is entitled to a training extension on his or her unemployment claim, if necessary, to complete approved training.

This bill would eliminate that requirement that an individual apply for a determination of potential eligibility no later than the 16th week of his or her receiving those benefits, and would instead require that any unemployed individual receiving unemployment compensation benefits be entitled to a training extension on his or her unemployment compensation claim, if necessary, to complete approved training.

Existing law requires the department to inform all individuals who claim unemployment insurance compensation benefits in this state of the benefits potentially available, as provided.

This bill would require the department to also publicize and promote the benefits available under those provisions on its Internet Web site.

Existing law specifies that, for purposes of provisions governing eligibility for work with respect to any week an individual is eligible for unemployment benefits, an unemployed individual who is able to work is eligible to receive benefits with respect to any week during a period of training or retraining, if the director finds that specified conditions apply.

This bill would remove that requirement that the director make a specified finding for an unemployed individual who is able to work be eligible to receive those benefits, if those specified conditions apply.

Because the bill would make various changes to existing eligibility requirements for training and retraining benefits, which would result in additional amounts being payable from the Unemployment Fund, the bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 1267 of the Unemployment Insurance Code is amended to read:

1267. Notwithstanding any other provision of this division, with respect to an unemployed individual otherwise eligible for benefits, ~~such~~ *those* benefits shall not be denied to an individual for any week because he or she is in *approved* training or retraining ~~with the approval of the director~~, or because of the application to any such week in training or retraining of any law of this state relating to availability for work, active search for work, refusal to accept work, or for leaving his or her most recent work, if continuing the most recent work would require the individual to terminate his or her training or retraining course of instruction. The individual is considered to be in training or retraining during regularly scheduled vacation or recess periods, such as Christmas and Thanksgiving holidays, or semester breaks, but not during a summer vacation period. As used in this article, “individual” includes an exhaustee as defined in Section 3503, and any individual claiming federal-state extended benefits under Part 4 (commencing with Section 4001), and anyone receiving federally funded unemployment compensation benefits.

SEC. 2. Section 1268 of the Unemployment Insurance Code is amended to read:

1268. An unemployed individual who files a claim for unemployment compensation benefits or extended duration benefits, or an application for federal-state extended benefits or any federally funded unemployment compensation benefits, ~~may apply to the department for a determination of potential eligibility~~ *shall be eligible* for benefits during a period of training or retraining.

SEC. 3. Section 1269 of the Unemployment Insurance Code is amended to read:

1269. (a) A determination of ~~potential~~ eligibility for benefits under this article shall be issued to an unemployed individual if ~~the director finds that~~ any of the following apply:

~~(a) The~~

(1) *The* training is authorized by the federal Workforce Investment Act or by the Employment Training Panel established

1 pursuant to Chapter 3.5 (commencing with Section 10200) of Part
2 1 of Division 3.

3 ~~(b) The~~

4 (2) *The* training is authorized by the federal Trade Act of 1974,
5 (19 U.S.C. Sec. 2101 et seq.), as amended by the federal Trade
6 Act of 2002 (Public Law 107-210), pursuant to a certified petition.

7 ~~(e) The~~

8 (3) *The* individual is a participant in the California Work
9 Opportunity and Responsibility to Kids (CalWORKs) program
10 pursuant to Article 3.2 (commencing with Section 11320) or Article
11 3.3 (commencing with Section 11330) of Chapter 2 of Part 3 of
12 Division 9 of the Welfare and Institutions Code, and has entered
13 into a contract with the county welfare department to participate
14 in an education or training program.

15 ~~(d) That~~

16 (b) *In addition to the requirements of subdivision (a), that all*
17 *of the following apply:*

18 (1) The individual has been unemployed for four or more
19 continuous weeks, or the individual is unemployed and unlikely
20 to return to his or her most recent workplace because work
21 opportunities in the individual's job classification are impaired by
22 a plant closure or a substantial reduction in employment at the
23 individual's most recent workplace, by advancement in
24 technological improvements, by the effects of automation and
25 relocation in the economy, or because of a mental or physical
26 disability which prohibits the individual from utilizing existing
27 occupational skills.

28 (2) One of the substantial causes of the individual's
29 unemployment is a lack of sufficient current demand in the
30 individual's labor market area for the occupational skills for which
31 the individual is fitted by training and experience or current
32 physical or mental capacity and that the lack of employment
33 opportunities is expected to continue for an extended period of
34 time, or, if the individual's occupation is one for which there is a
35 seasonal variation in demand in the labor market and the individual
36 has no other skill for which there is current demand.

37 (3) The training or retraining course of instruction relates to an
38 occupation or skill for which there are, or are expected to be in the
39 immediate future, reasonable employment opportunities in the
40 labor market area in this state in which the individual intends to

1 seek work and there is not a substantial surplus of workers with
2 requisite skills in the occupation in that area.

3 (4) If the individual is a journey level union member, the training
4 or retraining course of instruction is specific job-related training
5 necessary due to changes in technology, or necessary to retain
6 employment or to become more competitive in obtaining
7 employment.

8 (5) The training or retraining course of instruction is one
9 approved by the director and can be completed within one year.

10 (6) The training or retraining course is a full-time course
11 prescribed for the primary purpose of training the applicant in
12 skills that will allow him or her to obtain immediate employment
13 in a demand occupation and is not primarily intended to meet the
14 requirements of any degree from a college, community college,
15 or university.

16 (7) The individual can be reasonably expected to complete the
17 training or retraining successfully.

18 (8) The beginning date of training is more than three years after
19 the beginning date of training last approved for the individual
20 under this subdivision.

21 SEC. 4. Section 1271 of the Unemployment Insurance Code
22 is amended to read:

23 1271. (a) Any unemployed individual receiving unemployment
24 compensation benefits payable under this division, ~~who applies~~
25 ~~for a determination of potential eligibility for benefits under this~~
26 ~~article no later than the 16th week of his or her receiving these~~
27 ~~benefits, and is determined eligible for benefits under this article,~~
28 *is shall be* entitled to a training extension on his or her
29 unemployment compensation claim, if necessary, to complete
30 approved training.

31 (b) The training extension shall provide the claimant with a
32 maximum of 52 times the weekly benefit amount, which shall
33 include the maximum benefit award on the parent unemployment
34 compensation claim.

35 (c) The parent unemployment compensation claim shall be the
36 unemployment compensation claim in existence at the time the
37 claimant is determined eligible for benefits pursuant to subdivision
38 (a).

39 (d) Benefits payable under this section are subject to the
40 following limitations:

1 (1) The individual shall remain eligible for benefits under this
2 article for all weeks potentially payable under this section.

3 (2) The individual shall file any unemployment compensation
4 claim to which he or she becomes entitled under state or federal
5 law, and shall draw any unemployment compensation benefits on
6 that claim until it has expired or has been exhausted, in order to
7 maintain his or her eligibility under this article.

8 (3) To the extent permitted by federal law, benefits payable
9 under any federal unemployment compensation law shall be
10 included as benefits payable under this section.

11 SEC. 5. Section 1271.5 of the Unemployment Insurance Code
12 is amended to read:

13 1271.5. (a) The department shall inform all individuals who
14 claim unemployment compensation benefits in this state of the
15 benefits ~~potentially~~ available under this article and Section 1271.
16 The department may convey this information verbally or in written
17 form. If in written form, the department may utilize publications
18 or handbooks that inform individuals of their rights and duties in
19 regard to unemployment compensation benefits. *The department*
20 *shall also publicize and promote the benefits available under this*
21 *article on its Internet Web site.* These publications, issued by the
22 department pursuant to authorized regulations, *in conjunction with*
23 *the publicizing and promoting of benefits on its Internet Web site,*
24 may be used to satisfy the requirements of this section.

25 (b) Benefits paid under Section 1271 shall be charged to
26 individual employer reserve accounts, consistent with the
27 provisions of this code.

28 SEC. 6. Section 1272 of the Unemployment Insurance Code
29 is amended to read:

30 1272. Notwithstanding subdivision (c) of Section 1253, an
31 unemployed individual who is able to work is eligible to receive
32 benefits under this article with respect to any week during a period
33 of training or retraining only if ~~the director finds~~ both of the
34 following *apply*:

35 (a) He or she has been determined potentially eligible under
36 Section 1269 or 1271.

37 (b) He or she submits with each claim a written certification
38 executed by a responsible person connected with the training or
39 retraining program certifying that he or she is enrolled in and

1 satisfactorily pursuing the training or retraining course of
2 instruction.

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